

MANDATE

WDNY / RONY
99-CR-6089
Siragusa

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ORDER

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 14th day of April, two thousand and five.

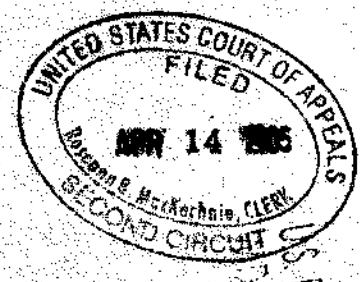
PRESENT:

HON. PIERRE N. LEVAL,
HON. ROBERT D. SACK,

Circuit Judges,

HON. EDWARD R. KORMAN,*

District Judge.



FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
CLERK
NOV 12 2005

UNITED STATES OF AMERICA,

Appellee,

v.

No. 02-1119

WINSTON BANNER, also known as Conroy
Porchman, also known as Cisco,
DAMON SHALLOW, also known as Romello,

Defendants,

KEVIN PIERRE, also known as Jimmy Grant,
also known as P.B. DENNIS FORBES,

Defendants-Appellants.

In light of the Supreme Court's decision in United States v. Booker, 125 S. Ct. 738 (2005), and this court's decision in United States v. Crosby, 397 F.3d 103 (2d Cir. 2005), Defendant-Appellant Dennis Forbes's case is remanded to the district court

* Chief Judge of the United States District Court for the Eastern District of New York, sitting by designation.

ISSUED AS MANDATE: 11-10-05-

1 for further proceedings in conformity with Crosby.
2

3 The disposition in the opinion and order previously issued
4 in connection with this appeal is hereby made part of this order
5 and is fully effective, except to the extent that it is
6 inconsistent with the present remand in conformity with Crosby.
7

8 Any appeal taken from the district court's decision on
9 remand can be initiated only by filing a new notice of appeal.
10 See Fed. R. App. P. 3, 4(b).
11

12 A party will not waive or forfeit any appropriate argument
13 on remand or on any appeal post-remand by not filing a petition
14 for rehearing of this remand order.
15

16
17 FOR THE COURT:

18 Roseann B. MacKechnie, Clerk

19
20 BY: Lucille Carr
21

Lucille Carr, Deputy Clerk

A TRUE COPY
Roseann B. MacKechnie, CLERK
by Roseann B. MacKechnie
DEPUTY CLERK